

IN THE DRAWINGS:

The Examiner has objected to Fig. 4 of the drawings initially submitted with the application. Replacement drawings have been prepared and are enclosed as Attachment A. The corrections requested by the Examiner in Fig. 4 have been incorporated into the replacement sheets.

REMARKS

This paper is responsive to a Notice of Non-Compliance mailed May 13, 2005. This response is identical to the paper received at the PTO on April 6, 2005, which was responsive to an Office Action dated March 17, 2004, except that Attachment A has been added. Attachment A includes replacement sheets. Prior to this response, claims 1-20 were pending. After amending claims 1-20, claims 1-21 remain pending.

Section 1 of the Office Action objects to the use of reference designator "308" at page 8, line 2, of the specification. Interlevel interconnect "308" is intended to describe a different interconnect than interconnect "306". Therefore, the specification is correct as written. In response to the objection, Fig. 4 has been corrected to show reference designator 308 above top electrode 110.

Section 2 of the Office Action objects to the omission of reference designator 110 in Fig. 4. In response, Fig. 4 has been corrected to show reference designator 110.

Section 3 of the Office Action objects to the word "comprise" in the Abstract. In response the Abstract has been amended.

Section 4 of the Office Action objects to the phrase "the CMR film" that appears in a number of claims. In response, the claims have been amended.

Section 4 of the Office Action objects to the phrase "the interlevel interconnect" in claim 14. In response claim 14 has been amended.

Section 4 of the Office Action also objects to the claim numbering. In response, the claims have been amended to correct the numbering.

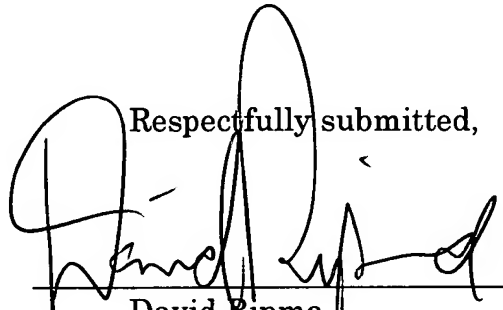
The Office Action has rejected claims 15-17 under 35 U.S.C. 112, second paragraph, as being indefinite. In response, the claims have been amended to correct the antecedent basis problem with the phrases "the first pulse" and "the second pulse".

It is believed that the application is in condition for allowance and reconsideration is earnestly solicited.

Date: _____

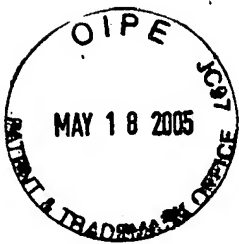
5/16/05

Respectfully submitted,



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ATTACHMENT A



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**Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment document filed on 4-29-05 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 4-14-05. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☒ 3. Amendments to the drawings: See Attachments
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

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Rule 1.121(d) Requirements

- Rule 1.121(d) applies to ALL drawing changes
 - Amendments to drawings
 - Formal drawings
 - New drawings
- Proposed drawing correction process is eliminated.
- Drawing changes are simply one section of an amendment, similar to changes to the specification, claims, or abstract.

21

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Rule 1.121(d)

§ 1.121 Manner of making amendments in applications.

- (d) *Drawings.* One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet." Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet." All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.
- (1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.
- (2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

Rule 1.121(d) Requirements

- Any replacement drawing sheet which has amended figures must include all the figures appearing on the previous version of the sheet, unless one sheet of drawings was replaced by two
- The replacement drawing figure must not be labeled "amended"
- Replacement, new, and annotated sheets may be found as attachments to the amendment, or as attachments to a separate paper only addressing the drawing changes

23

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If one sheet of drawings was replaced by two sheets, the original sheet of drawings (e.g., sheet 2/2) would be labeled "Replacement" and have a new sheet number 2/3, and the new sheet (e.g., sheet 3) would be labeled "new" and have the sheet number 3/3. See 37 CFR 1.84(t) for information about numbering sheets of drawings. If one sheet is replaced by two or more sheets other than at the end of the end of the sequence of drawing sheets, the remaining sheets of drawings should be renumbered.

Sheet Labels

- All drawing sheets submitted after filing must be labeled in the top margin
 - Changed sheets must be labeled "Replacement Sheet"
 - New sheets must be labeled "New Sheet"
 - Sheets with marked-up copies of the figures must be labeled "Annotated Sheet"
 - Any label including the word "annotated" is okay

24

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